

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TANYA CHARETTE,

Plaintiff,

v.

THURSTON COUNTY SHERIFF'S
DEPT.,

Defendants.

Case No. C07-5713 BHS/KLS

REPORT AND
RECOMMENDATION

NOTED:
May 30, 2008

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. §§ 636(b)(1) and Local MJR 3 and 4. The Court is advised by Plaintiff that she no longer wishes to pursue this action. Accordingly, the undersigned recommends that this action be dismissed pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

DISCUSSION

On December 26, 2007, Plaintiff filed an application to proceed *in forma pauperis* and submitted a proposed complaint. (Dkt. # 1). Plaintiff's application to proceed *in forma pauperis* was granted. (Dkt. # 4).

Plaintiff was ordered to provide services copies of her complaint on February 4, 2008. (Dkt.

1 # 6). After service copies were received, an Order directing service of Plaintiff's complaint was
2 entered on March 10, 2009. (Dkt. # 8).

3 The court has now received Plaintiff's motion for voluntary dismissal. (Dkt. # 18). Plaintiff
4 states that she no longer wishes to pursue her case. *Id.*

5 Rule 41(a)(1) of the Federal Rules of Civil Procedure provides, in pertinent part:

6 [A]n action may be dismissed by the plaintiff without order of court (i) by
7 filing a notice of dismissal at any time before service by the adverse party of
an answer or of a motion for summary judgment, whichever first occurs

8 **CONCLUSION**

9 The Court should dismiss this action as Plaintiff has voluntarily requested dismissal. No
10 answer or motion for summary judgment has been filed by the Defendant. A proposed order
11 accompanies this Report and Recommendation.

12 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,
13 the parties shall have ten (10) days from service of this Report and Recommendation to file written
14 objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those
15 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time
16 limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **May 30,**
17 **2008**, as noted in the caption.

18 DATED this 6th day of May, 2008.

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21 Karen L. Strombom
22 United States Magistrate Judge
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